

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING ARTICLE IV (TECHNICAL CODES), CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), PART II OF THE FRISCO CODE OF ORDINANCES, ORDINANCE NO. 06-03-31, AS AMENDED, TO ESTABLISH DIVISION 14 (RESIDENTIAL SWIMMING POOL AND SPA CODE); ADOPTING THE 2018 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE, SAVE AND EXCEPT THE DELETIONS AND ADDITIONS SET FORTH HEREIN; REGULATING THE CONSTRUCTION, ALTERATION, MOVEMENT, RENOVATION, REPLACEMENT, REPAIR AND MAINTENANCE OF RESIDENTIAL POOLS AND SPAS INSTALLED IN OR ON THE LOT OF A ONE- OR TWO-FAMILY DWELLING WITHIN THE CITY OF FRISCO, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City of Frisco, Texas ("Frisco") to amend Article IV (Technical Codes), Chapter 18 (Buildings and Building Regulations), Part II of the Frisco Code of Ordinances, Ordinance No. 06-03-31, as amended ("Code of Ordinances"), by adopting the 2018 Edition of the International Swimming Pool and Spa Code, save and except the deletions and additions set forth below, as Division 14 (Residential Swimming Pool and Spa Code).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Article IV (Technical Codes), Chapter 18 (Buildings and Building Regulations), Part II of the Frisco Code of Ordinances. Article IV (Technical Codes), Chapter 18 (Buildings and Building Regulations), Part II of the Frisco Code of Ordinances is hereby amended for the sole purpose of establishing Division 14 (Residential Swimming Pool and Spa Code), which adopts new residential swimming pool and spa regulations as set forth in the 2018 Edition of the International Swimming Pool and Spa Code, copyrighted by the International Code Council, Inc., save and except the deletions and additions set forth in Exhibit A, attached hereto and incorporated herein for all purposes, regulating the construction, alteration, movement, renovation, replacement, repair and maintenance of residential pools and spas installed in or on the lot of a one- or two-family dwelling within Frisco ("2018 International Swimming Pool and Spa Code"). The 2018 International Swimming Pool and Spa Code is made a part of this Ordinance as if fully set forth herein. Three (3) copies of the 2018 International Swimming Pool

and Spa Code are on file in the office of the City Secretary of Frisco being marked and designated as the 2018 International Swimming Pool and Spa Code. The deletions and additions set forth in Exhibit A are located on Frisco's website under Development Services.

SECTION 3: Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding TWO THOUSAND AND NO/DOLLARS (\$2,000.00), and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.


SECTION 6: Effective Date. This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this 19th day of November, 2019.





Jeff Cheney, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**


Kristi Morrow, City Secretary

APPROVED AS TO FORM:


Abernathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

Dates of Publication: November 22 and November 29, 2019, *Frisco Enterprise*

Exhibit A
CITY OF FRISCO DELETIONS/ADDITIONS
2018 INTERNATIONAL SWIMMING POOL AND SPA CODE¹

The following deletions and additions to the 2018 International Swimming Pool and Spa Code are hereby approved and adopted (deletions are evidenced by ~~striketrough~~ and additions are evidenced by underline)²:

Chapter 1. Scope and Administration of the 2018 International Swimming Pool and Spa Code is amended as follows:

Section 101 General of the 2018 International Swimming Pool and Spa Code is amended as follows:

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of ~~aquatic recreation facilities, residential~~ pools and spas installed in or on the lot of a one- or two-family dwelling. The pools and spas covered by this code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading. Any reference to public or semi-public pools or spas shall be enforced by the Texas Department of State Health Services (TDSHS); Standards for Public Pools and Spas §285.181 through §285.208.

Section 107 Violations of the 2018 International Swimming Pool and Spa Code is amended as follows:

~~**Section 107.4 Violation penalties**~~ Delete entirely

Section 107.5 Stop work orders. Upon notice from the code official, work on any system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code, liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

¹ Unless otherwise expressly provided herein, all phrases, words and terms used herein shall have the same meaning ascribed to the same in the 2018 International Building Code (regardless of whether such phrases, words and terms are italicized herein).

² Other italicized and bold notations are provided throughout for informational purposes only. By way of example only, "[*Paragraph remains unchanged.*]"

Chapter 3. General compliance of the 2018 International Swimming Pool and Spa Code is amended as follows:

Section 305 Barrier requirements of the 2018 International Swimming Pool and Spa Code is amended as follows:

305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. In one- and two-family dwellings and townhouses, ~~Where~~ spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7.

305.2 Outdoor swimming pools and spas. Outdoor pools and spas and indoor swimming pools, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7.

~~**305.2.7 Chain-link dimensions.**~~ Delete entirely

305.4 Structure wall as a barrier. Where a wall ~~of a dwelling or structure of a one- and two-family dwelling or townhouse or its accessory structure~~ serves as part of a barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. The alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. ~~In dwellings or structures not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located 54 inches (1372 mm) or more above the finished floor. In dwellings or structures required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.~~

Remainder unchanged

Section 310 Suction Entrapment Avoidance of the 2018 International Swimming Pool and Spa Code is amended as follows:

310.1 General. Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7. The use of single blockable or unblockable main drains shall not be permitted.

Exceptions unchanged

Chapter 4. Public Swimming Pools of the 2018 International Swimming Pool and Spa Code is amended as follows: **Delete this Chapter in its entirety**

Chapter 5. Public Spas and Public Exercise Spas of the 2018 International Swimming Pool and Spa Code is amended as follows: **Delete this Chapter in its entirety**

Chapter 6. Aquatic Recreation Facilities of the 2018 International Swimming Pool and Spa Code is amended as follows: **Delete this Chapter in its entirety**

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INDEX

(The Index is provided for informational purposes only to note the location of the deletions/additions in the 2018 International Swimming Pool and Spa Code as set forth in this Ordinance)

101.2 Scope.....	3
107.4 Violation penalties	3
107.5 Stop work orders	3
305.1 General	4
305.2 Outdoor swimming pools and spas	4
305.2.7 Chain-link dimensions	4
305.4 Structure wall as a barrier	4
310.1 General	5